

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANNIE RAY BAKER,

Petitioner,

No. 13-11092

vs.

Hon. Gerald E. Rosen

JOE BARRETT,

Respondent.

_____/

ORDER DENYING REQUEST FOR CERTIFICATE
OF APPEALABILITY AND DENYING REQUEST FOR LEAVE
TO PROCEED ON APPEAL *IN FORMA PAUPERIS*

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on June 04, 2014

PRESENT: Honorable Gerald E. Rosen
United States District Chief Judge

This matter is presently before the Court on the May 22, 2014 *pro se* request of Petitioner Dannie Ray Baker for a certificate of appealability and for leave to proceed with his appeal of the Court's April 22, 2014 Opinion and Order denying his habeas corpus petition *in forma pauperis*. Pursuant to the Rules Governing § 2254 Cases, Rule 11(a), 28 U.S.C. foll. § 2254, in its April 22, 2014 Order, the Court already determined that a certificate of appealability should not issue. *See* 4/22/14 Opinion and Order, Dkt. # 26. The Court further determined that any appeal would be frivolous and, therefore, Petitioner would not be granted leave to proceed *in forma pauperis*. *See id.* Nothing in

Petitioner's May 22, 2014 request alters the Court's prior determinations.

Therefore,

IT IS HEREBY ORDERED that Petitioner's request for a certificate of appealability and for leave to proceed on appeal *in forma pauperis* is DENIED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: June 4, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 4, 2014, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5135